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STATUS REPORT

London Discussions of Four-Power Working Group

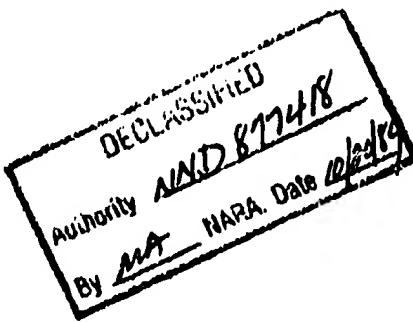
An outline of the discussions of the Four-Power Working Group in London for the period April 13 through April 17, 1959 is attached. The outline covers the following points:

- I German Reunification
- II German Peace Treaty
- III European Security
- IV Berlin
- V Tactical Questions

Since the Working Group will continue its discussions for several more days the attached outline cannot be taken as an indication of the nature of the Group's final report. A good summary of general impressions of the meetings to date is contained in London's 5340. (attached.)

(Tab A)

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I. German Reunification

A. Initial U.S. Position

The U.S. position endorses a phased approach to reunification and European security.

Stage I would consist of agreement in principle on a phased plan for German reunification, European security and a German peace settlement, and the establishment of a US-UK-French-USSR commission of consultation and conciliation.

Stage II would be a three-year transitional and adjustment period in which the first steps toward reunification would be taken through the creation of an all-German Commission and the development of free movement of persons, ideas, and publications throughout Germany. The Commission would be composed of two delegates from each of the ten states (Luender) of the Federal Republic and the five former states of the Soviet Zone. It would reach decisions by a two-thirds majority. The Commission, acting as agent of the Four Powers and having no executive authority, would draft an electoral law, a law for a provisional all-German government and an all-German constitution and coordinate non-political contacts between the parts of Germany.

Stage III would bring the accomplishment of reunification through approval of the draft constitution by a plebiscite and election of an all-German Assembly on the basis of free, internationally supervised elections, and the establishment of a provisional all-German authority.

In Stage IV, a peace treaty would be concluded by the provisional all-German government and the states which had been at war with the former German Reich.

B. Powers Circulated

German redraft of Stages II and III of phased plan (G-396 from London as amended by 5301 from London). (Tab B)

C. Other Powers' Positions

1. German

The West should present maximum demands. The reunification plan must avoid any enhancing of the status of the GDR, e.g. of the Volkskammer. There is a danger that SPD members of an all-German commission might combine with East German

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members against the Federal Government.

In Stage II a mixed commission should be created composed of 15 members appointed by the Federal Government and 5 appointed by the GDR and not by the Luender. Decisions, including sub-committee decisions, would be by simple majority vote. The commission would draft an electoral law to be approved by the Four Powers. If the latter were unable to agree on the draft after one year, alternate drafts would be submitted to a referendum. The commission would also make proposals for the enlarging of technical contacts; for the free movement of persons, ideas, and publications; and for guaranteeing human rights. These proposals would be forwarded to the Federal Republic and the GDR, and, if there were no objections, to the Four Powers for approval. If no decision had been taken on them by the Four Powers after four weeks, the proposals would be deemed adopted and would be carried out in both parts of Germany.

No provision for the protection of the "social achievements" of the GDR would be made in Stage II, but this problem might be considered in drafting a constitution.

Free, all-German elections would be carried out at the end of a two-year period.

The all-German assembly would draft a constitution in Stage III.

2. French

The German plan gives too much legislative power to the mixed commission. Conflict with the Federal Basic Law and the retained rights of the Allies would arise. (The French concurred with the British views below).

3. British

The German formula for referring proposals of the mixed commission to the Four Powers involves the dangers of revival of a quadripartite instrumentality reminiscent of the Allied Control Council and of broadening the rights retained by the Four Powers.

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D. U.S. Reactions

(The U.S. concurred with the British views above)

The danger of an SPD-GDI combination against the Federal Government might be overcome by providing for a two-thirds vote in the mixed commission.

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II German Peace Treaty

A. Initial U.S. Position

A German peace treaty should be negotiated by a truly representative all-German government and those states which bore the principal burden of the war against Germany. The treaty should reestablish Germany as a sovereign state enjoying a normal position in the community of nations and resolve issues still remaining from the war. Contrary to the Soviet proposals, the treaty should be non-punitive and non-interventionist.

B. Working Group Discussion

There has been no significant discussion of a German peace treaty to date.

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### III European Security

#### A. Initial U.S. Position

The U.S. European security proposals constitute a part of the phased plan which is to come into effect in step with the reunification plan described above. The implementation of all disarmament measures would be conditional upon the establishment of inspection systems to verify compliance.

In Stage I the Four Powers should issue a common declaration confirming their interest in maintaining the peace and establishing a mechanism for consultation to implement the arrangements agreed on.

In Stage II, the three year transitional period, the exchange of information on military forces in a "special security area" (comprised of Germany, Poland, Czechoslovakia and possibly Hungary) should be undertaken. The Four Powers should also limit their forces (U.K. and France each 750,000; U.S. and USSR each 2,500,000) and store agreed quantities and types of armaments under the supervision of an international control organization.

The Four Powers should also negotiate further forces and armaments limitations to become effective in Stage III, subject to the progress of other forces and armaments limitations. Measures of inspection and observation against surprise attack could also be undertaken in parts of Europe, the Arctic, Siberia and North America. The countries of the Special Security Area would undertake not to produce chemical, bacteriological or nuclear weapons.

In Stage III, upon the establishment of an all-German government, agreed ceilings (to be negotiated) should be put into effect on the total number of non-German NATO and Soviet effective combat forces in the Special Security Area. If satisfactory progress were made, the Four Powers should then reduce their forces in two stages. (UK and France to 650,000; US and USSR to 1,700,000). The forces of other "essential" states would be reduced at the same time.

In Stage IV, after conclusion of the peace treaty, no party should station forces in any country of the Special Security Area except with the consent of the country involved. If Germany chose to become a member of a security system, there might be special measures relating to forces and installations in the parts of the Special Security Area which lay closest to the frontier of Germany and

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the countries which are members of another security system. Under these circumstances, the Four Powers should also be prepared to undertake additional mutual obligations along the lines of the Geneva Treaty of Assurance and to give an assurance that they would not advance their forces beyond the former line of demarcation between the two parts of Germany.

B. Documents Published

1. French paper "Proposals Concerning A General Settlement of the German Problem and European Security" (G-597 from London) (Tab C)
2. U.S. paper "Security and Arms Control Provisions of the Phased Plan for German Reunification" (G-690 to London). (Tab D)

C. Other Powers' Positions

1. French

Significant changes should be made in the security provisions of the phased plan. All reference to general disarmament provisions should be deleted; disarmament negotiations under U.N. auspices should be resumed. Progress on general disarmament must depend to a certain extent on reunification, but progress on reunification should not be conditional on disarmament. The use of a term like "special security area" should be avoided and Hungary should not be excluded in such an area. In Stage II no firm control provisions should be prescribed but a surprise attack alert system consisting of over-lapping radar and aerial inspection from the Urals to the Atlantic should be instituted. In Stage III there should be no restrictions on I.A.M.'s or on the transfer of custody of nuclear weapons, although these measures might be considered as a reserve position to be put forward at an appropriate time in the negotiations.

Similarly there should be no limitations on non-German NATO and Soviet forces in the special security area. Force level limitations (along the lines of Protocol 11 of the 1954 Paris Agreements) should be applied to a reunited Germany and to a comparable area to the East. The limits of the Eastern zone to which force limitations would apply should not be restricted to the Napacki Plan area. There should be no reference to "special measures" if Germany joins a security system in Stage IV.

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2. British

The phased plan might be suspended during Stage II and there might be negotiation on a zone of inspection but not on force ceilings. (In the Debre-Macmillan talks, the British spoke of a "zone of control", which they did not define, but did not refer to "disengagement".)

With respect to surprise attack, there might be a wider area e.g. 5 to 35 degrees for aerial inspection together with a pilot ground inspection system in a smaller area, the latter area not necessarily to be determined by political boundaries.

3. German

Over-lapping radar would be valuable to Europe. (A German paper on security is to be submitted later.)

D. U.S. reactions

European security measures must be linked to reunification; the phased plan must be regarded as a single package. As a corollary to the French plan, some key would have to be found to overcome the present East-West impasse on disarmament. If general disarmament provisions were dealt with separately, we would wish to avoid the impression of too close a tie to reunification. The French proposals regarding aerial inspection are obviously unacceptable to the Soviets; an acceptable solution might be a general reference to inspection and observation measures against surprise attack in parts of Europe, the Arctic, Siberia and North America.

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IV Berlin

A. Initial U.S. Position

A change in the status of Berlin might be considered in the context of Four-Power agreement on a plan to deal with the underlying problem of the division of Germany. Thus the Western Powers should propose that, during Stage II of the reunification and security plan, Berlin should be reunited through free elections under United Nations supervision, the "capital of the German Democratic Republic" should be removed from Berlin, a plebiscite should be held under United Nations supervision to determine whether and what foreign troops should remain in Berlin, and the presence and free access of these troops should be guaranteed. Berlin would become the capital of a united Germany in Stage III.

If forced into separate consideration of the Berlin question because of Soviet refusal to discuss a general settlement of the German problem, the U.S. contemplates a series of positions which could, if necessary, be taken in sequence. All involve a change in the status of Berlin. The earlier ones would be designed to improve the Western posture in Berlin, the subsequent ones to maintain a situation at least as satisfactory as that now existing. If all of these prove unnegotiable, the Berlin access issue would have to be faced squarely on the basis of existing contingency planning.

B. Papers Tabled

1. "United Kingdom Proposal on Berlin (April 10, 1959)" (LWG Reference Paper No. 1)
2. U.S. paper "Berlin - Suggested Western Position" (LWG 7)
3. French amendments to British paper (5396 from London) (Tab E)

C. Other Powers' Positions

The U. S. paper was considered excellent and it was agreed to use it as the basis for discussions of the Berlin question.

1. British

As an interim solution and in order to put themselves in a better public relations position, the Western Powers might attempt to reinforce their present position in Berlin by negotiating with the Soviets an agreement defining precisely

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what Allied rights and Soviet obligations are with respect to Allied access. If the Soviets wished to relinquish their present responsibilities, mutually acceptable arrangements would have to be made for these to be exercised by the Western Powers or by a third party, e.g. the U.N. The GDR would not be an acceptable third party unless the Soviet Government expressly acknowledged the GDR as its agent.

The U.S. proposals for Berlin in Stage II of the phased plan are probably too detailed. It is inconsistent to propose an elaborate interim plan for Berlin in the context of an overall solution of the German question.

2. French

It is questionable whether any Berlin plan should call for a special U.N. representative in Berlin. A plebiscite on the presence of foreign troops in Berlin would be inconsistent with the legal basis of the Allies' presence in Berlin. The U.S. plan for Stage II is probably too detailed.

3. German

There should be no elaborate discussion of Berlin in the phased plan.

The initial Western proposal should be based on the Western Powers' present rights, and a proposal regarding all Berlin should be made only as a fall-back plan. If all Berlin were to be included in an arrangement made with the Soviets, the NATO guarantee should be broadened to cover all Berlin.

D. U.S. Reactions

The British proposal described above is acceptable as one elaboration of a proposal which might be put forward if Berlin cannot be reunited or if the Western Powers cannot exercise the occupation rights regarding access abandoned by the Soviets.

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V. Tactical Questions

VI Approach to the Soviets

A. Initial U.S. Position

The U.S. assumes that the Soviet Foreign Minister is not likely to engage in serious negotiations at the May meeting and that there may be a Summit conference after the Foreign Ministers' meeting. The May 11 meeting will thus be largely a public relations exercise and an attempt to formulate an adequate summit agenda in terms the Soviets will find it difficult to reject. The main elements of the Western position on Germany and European security should probably be made clear to the public before the May meeting. In the May meeting, the Western Powers should table the Western plan, as an inseparable package, and insist that the conclusion of a peace treaty and the solution of the Berlin problem both require German reunification. With respect to a possible summit formula, a broad agenda should be sought, allowing either side to raise any issue it considers relevant under three broad headings: (1) a European peace program, including the settlement of questions relating to Germany and European security; (2) disarmament and related measures; and (3) other topics.

B. Papers Tabled

1. U.S. paper "Tactics" (LWG 1/4)
2. British paper on tactics (5362 from London) (Tab F)

C. Other Powers' Positions

1. British

The Soviets may be willing to negotiate to a certain extent in order to assure Western acceptance of a summit conference. Advance publicity regarding the Western proposals would therefore have an undesirable effect.

Assuming the Western proposals are rejected out of hand, the ensuing negotiations will concentrate on an interim solution for Berlin. However, the Western Powers should probably then

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put forward subsidiary proposals not connected with Berlin. These might, for example, include the following: a proposal for a preliminary study of reunification; a longer "moratorium" on reunification, e.g. 5 years; suspension of the phased plan in Stage II; discussion of the principles of a peace treaty; or discussions of means to guarantee basic freedoms throughout Germany, of the Eastern frontier and of the military status of a reunified Germany.

The question whether the Western Powers should remain firmly by their initial proposals can be decided only in the course of negotiation.

If the Soviets reject the Western proposals and when it is ascertained whether they have any new proposals of their own, a determined effort should be made to direct the conference into more secret and intimate discussions compatible with serious negotiation.

## 2. French

Since the Soviets may be willing to discuss some elements of the Western proposals, the Western Powers should avoid advance publicity. They should not table their entire plan at the beginning of the conference but should table only an outline pointing out the differences from the Western Geneva proposals.

The question of discussion of a peace treaty should be treated with great caution.

## 3. German

(The Germans agreed with the French views above)

It might be tactically desirable to discuss the Berlin problem before the phased plan because discussion of Berlin would not then be burdened with the pressures which arise in connection with other issues, because there is less danger of GDR recognition and because less harm will be done if the conference fails after having reached agreement on Berlin.

The British suggestion of a suspension of the phased plan in Stage II is particularly dangerous.

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D. U.S. Reactions

The U.S., British and French delegates opposed the German suggestion for a prior discussion of Berlin because the Soviets would then be unwilling to discuss reunification and would proceed to dismantle the phased plan.

V ii German Participation

A. Initial U.S. Position

German participation in the Foreign Ministers Conference is likely to become an issue. The U.S. position is that the Western Powers should insist that the basic legal responsibility for the solution of the matters before the conference rests with the Four Powers. German participation should therefore be limited to each side consulting with each German contingent in the course of the meetings. If German delegates are present at the meetings they should be seated in a way which clearly indicates they are not participants and they should not directly participate by speaking at the meetings.

B. Papers Tabled

U.S. paper "Tactical Handling of the Problem of German Participation" (ENG 2/A)

C. Working Group Discussion

There appeared to be general acceptance of the U.S. position described above, although the British questioned whether the GB representatives should be categorically refused the right to speak. It was tentatively agreed that the Western position might be presented informally to the Soviets before the conference and that, in order to discourage the Soviets from urging bilateral talks, it would be preferable for the Federal German Foreign Minister not to attend.

V iii Other Participation

A. Initial U.S. Position

The Western Powers should at the outset insist that the conference be limited to the Four Powers with special responsibilities for the German question. The principle of parity of representation should in no case be conceded. If the Soviet Union con-

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tinues to press for the participation of Czechoslovakia and Poland, however, the Western Powers should have a full-back position in order to avoid the charge that they are responsible for a collapse of negotiations on procedural grounds.

This full-back position would be to name other countries, e.g. Italy, the Netherlands, and Benelux, on the ground that they have as valid a claim to participate as to Poland and Czechoslovakia. If Poland and Czechoslovakia participate, the Western Powers must honor their commitment to support Italian participation. It would be preferable to limit these countries to observer status, but if necessary, they might be allowed full participation. If the Soviets then press for the participation of Rumania, the Western Powers should counter that the participation of all countries with an equivalent interest would not be conducive to serious negotiations. The composition of the Foreign Ministers' meeting should not constitute a precedent for a summit meeting.

B. Papers Tabled

U.S. paper "Composition - The Polish-Czech Participation Problem" (LNG 2/A)

C. Working Group Discussion

There appeared to be general acceptance of the U.S. position described above, but the British and French appeared annoyed about recognizing the commitment to Italy and mentioned the possibility of Canadian and Dutch participation if Italy participated.